

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL, et al.,)	8:07CV143
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
CITY OF OMAHA, et al.,)	
)	
Defendants.)	

Plaintiffs, who are proceeding pro se, filed this action on April 17, 2007 (filing 1). On the same date, Plaintiffs also filed a motion for summary judgment (filing 3). I shall deny the motion.

Federal Rule of Civil Procedure 56(a) states in relevant part: “A party seeking to recover upon a claim . . . may, at any time after the expiration of 20 days from the commencement of the action . . . move with or without supporting affidavits for a summary judgment in the party’s favor upon all or any part thereof.” (Emphasis added.) See 10A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 2717, at 298 (1998) (“The language of Rule 56(a) states, without any qualifications, that the claimant may move for summary judgment after the expiration of 20 days from the commencement of the action.”).

Accordingly, because Plaintiffs filed their summary judgment prematurely, I shall deny the motion without prejudice to its reassertion at an appropriate time.

IT IS ORDERED that Plaintiffs’ motion for summary judgment (filing 3) is denied without prejudice.

June 13, 2007.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge